

REMARKS

Claim 1 has been amended to more clearly define the subject matter which Applicant regards as his invention. Support for amended Claim 1 can be found in the process sequence shown in Figs. 2-5. Thus, no new matter has been added, and entry of this Amendment is respectfully requested. Claim 1-3 and 6-12 are pending.

Claims Rejections Under § 103

Claims 1-3 and 6-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,156,584 to Itoh et al. in view of U.S. Patent Application Publication No. 2004/0051118 to Bruhns et al.

Itoh was cited as disclosing a method for the fabricating a semiconductor light-emitting device, comprising the steps of: (a) stacking at least a first conductive type semiconductor layer, an active layer and a second conductive type semiconductor layer on a substrate to form a wafer; (b) forming on a side of growth surfaces of the semiconductor layers first trenches exposing the first conductive type semiconductor layer (3); (c) forming second trenches reaching the substrate (1) from above the first trenches; (d) forming third trenches from the substrate (1) at positions corresponding to the second trenches; (e) using a dicing blade to correct a shape of the third trenches (1a); and dividing the wafer into chips. Although acknowledging that Itoh fails to teach forming the second and third trenches by the use of a laser beam, the Examiner relied on Bruhns as disclosing that the trench can be formed by the use of a laser beam. The reason for rejection was that it would have been obvious to modify Itoh's teaching by forming the second and third trenches using a laser beam as taught by Bruhns for the purpose of efficiently etching through the sapphire substrate.

Applicant respectfully traverses.

The method of amended Claim 1 includes the steps of forming first trenches 40 so as to expose a lateral surface of the first conductive type semiconductor layer 2 at the end of the first trench forming step; and forming second trenches 50 reaching the substrate from above the first trenches 40 by use of a laser beam so that at least a part of the lateral surface of the first conductive type semiconductor layer 2 remains exposed at the end of the second trench forming step.

Further, although the first trenches 40 expose a lateral surface of the first conductive type semiconductor layer 2 as claimed in amended Claim 1, a surface of the substrate 1 is not exposed at the step of forming the first trenches. Consequently, the second trenches 50 are formed, by means of the laser beam, above the exposed surface of the first conductive type semiconductor layer 2 at the beginning of the step of forming the second trenches. Then, third trenches are formed reaching the substrate which is below the first conductive type semiconductor layer 2 (Figs. 2-5 of the present specification).

Having a part of the first conductive type semiconductor layer exposed in the first trenches at the end of the first trench forming step provides a laser beam absorption efficiency at that part which is higher than the absorption efficiency at the exposed surface of the substrate.

In contrast, Itoh discloses that linear notch 1b (corresponding to the presently claimed first trenches) is formed from above the exposed surface of the substrate. *See*, Figs. 1 and 2.

In addition, Bruhns discloses second trench 134, which is also formed from above the exposed surface of the substrate. *See*, Fig. 3.

Thus, neither Itoh nor Bruhns discloses or suggest the presently claimed method of forming the first trench and/or the second trench as recited in amended Claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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